

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4813 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SHAHKUND District- Bhagalpur

CHANDRA BHUSHAN MOWAR S/O LATE SURJI MOWAR @
SURYANARAYAN MOWAR VILLAGE- DOHRADIH, PS. SHAHKUND,
DIST. BHAGALPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHUN CHOUDHARY S/O GAURI CHOUDHARY VILLAGE-
DOHRADIH, PS. SHAHKUND, DIST. BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-07-2024 1. Heard learned counsel for the appellant and
learned Spl.P.P. for the State Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail**
vide order dated 25.08.2023 in ABP No. 2158 of 2023
passed by the learned Additional District and Sessions
Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in
connection with Shahkund P.S. Case No. 181 of 2023
registered under Sections 147, 341, 323, 307 and 506 of the



Indian Penal Code and Section 3(i)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

3. Learned counsel for the appellant submits that appellant is person with clean antecedent and has been falsely implicated in the instant case by the informant that earlier from the side of the petitioner Shahkund P.S. Case No. 168 of 2023 dated 21.04.2023 was instituted with respect to an occurrence dated 20.04.2023, wherein it was alleged that the informant and his side had come to attend Bhagwat Katha where they started clicking pictures of womenfolk which was objected based on which an altercation took place and the side of the informant assaulted the side of the appellant. It is further submitted that the informant with respect to the same occurrence instituted the instant FIR on 25.04.2023. It is thus submitted that the instant FIR has been instituted after a delay of five days as the date of occurrence is 20.04.2023 and the FIR came to be instituted on 25.04.2023. It is further submitted that the instant FIR is a counterblast to Shahkund P.S. Case No. 168 of 2023. It is also submitted that had the informant been assaulted by the accused persons including the



appellant as alleged in the instant FIR then definitely the informant would have disclosed the name of independent witnesses in whose presence he was assaulted but then the FIR does not disclose that the occurrence was witnessed by any independent witness. It is further submitted that the injury suffered by the injured is simple in nature.

4. Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellant.

5. Considering the submissions made by the learned counsel for the appellant, order dated 25.08.2023 in ABP No. 2158 of 2023 passed by the learned Additional District and Sessions Judge-III-cum-special Judge (SC/ST Act), Bhagalpur in connection with Shahkund P.S. Case No. 181 of 2023, **is hereby set aside** and the appellant, above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shahkund P.S. Case No. 181 of 2023 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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